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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Annette Himstedt

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EXAMINER

YOUNG, SCOTT E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,045	Applicant(s) HIMSTEDT, ANNETTE	
	Examiner SCOTT YOUNG	Art Unit 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/7/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terminology and signs are inconsistent throughout the application. The expression "element" is used for different features (see claim 1, for example: "elements (3.1, 3.2)", "elements (3.1, 3.2, 3.3, 30.1, 30.2)", "element (50)"). Other expressions that are used to define multiple elements include "rotary element", "end area", "spherical end area", "bore", "outer faces", "holding element", etc. The claims should remain clear and unambiguous even in the absence of reference signs. This can be accomplished by instead referencing the parts of the invention as "a first element (3.1)", "a second element (3.2)", and "a third element (3.3)".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-17, 19, 22-24, 27-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugh et al. (US 4,274,224).

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3. Claim 1: Pugh et al. discloses a joint for securing movable elements (22) to a doll's body (10) or for connecting individual elements (22, 24, 34, 38), in particular doll's arm parts and/or doll's leg parts, to one another, comprising a rotary element (20) is inserted rotatably in the doll's body (10) and is rotatably connected to an end area (44) of the element (22) inserted therein.

4. Claim 2: Pugh et al. further discloses that the rotary element (20) is in the shape of a disk (fig. 1).

5. Claim 3: Pugh et al. further discloses that the end area (44) of the element (22) has a spherical shape (fig. 1).

6. Claim 4: Pugh et al. further discloses that the element (outside of 68) inserted into the element (22) has a spherical shape (fig. 1).

7. Claim 6: Pugh et al. further discloses that the rotary element (20) is inserted into a slit (46) in the spherical end area (44) (fig. 2).

8. Claim 7: Pugh et al. further discloses that the rotary element (50) is inserted into a slit (68) of the spherical element (outside of 68).

9. Claim 8: Pugh et al. further discloses that a diameter of the rotary element (20) corresponds approximately to a diameter of the spherical end area (44), (fig. 2).

10. Claim 9: Pugh et al. further discloses that a diameter of the rotary element (50) corresponds approximately to a diameter of the spherical element (outside of 68), (fig. 2).

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11. Claim 10: Pugh et al. further discloses that outer faces (76) of the rotary element (20) and of the spherical end area (44) lie externally in a common plane and are flush with one another (fig. 2).

12. Claim 11: Pugh et al. further discloses that outer faces of the rotary element (50) and of the spherical element (outside of 68) lie externally in a common plane and flush with one another (fig. 2).

13. Claim 12: Pugh et al. further discloses that the rotary element (20) and the spherical end area (44) each have a bore (78) for receiving at least one securing means (col. 4, lines 33-37).

14. Claim 13: Pugh et al. further discloses that the rotary element (50) and the spherical element (outside of 68) each have a bore (50, 66) for receiving at least one securing means (col. 4, lines 26-29).

15. Claim 14: Pugh et al. further discloses that the rotary element (20) is assigned a holding element (86).

16. Claim 15: Pugh et al. further discloses that the spherical element (outside of 68) is assigned a holding element (rectangle shaped part connected to 68).

17. Claim 16: Pugh et al. further discloses that the holding element (86) is connected to the rotary element (20) in a permanent manner (col. 4, lines 39-43).

18. Claim 17: Pugh et al. further discloses that the holding element (86) and the rotary element (20) are connected permanently to one another to form an individual component (col. 4, lines 39-43) and are able to rotate about an axis (A, through the

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middle of 82 and 86), the holding element (86) being inserted into a recess (80) of the doll's body (10).

19. Claim 19: Pugh et al. further discloses that only the rotary element (20) is able to rotate about an axis (A, through the middle of 82 and 86), the holding element (86) being inserted fixedly in the recess (80) of the doll's body (10).

20. Claim 22: Pugh et al. further discloses that a constriction (84) of the recess (80) engages at least partially behind the holding element (86) and secures it there.

21. Claim 23: Pugh et al. further discloses that the element (22) is rotatable about the axis (A, through the middle of 82 and 86).

22. Claim 24: Pugh et al. further discloses that the element (22) is pivotable about an axis (C, through 78), the axes (A, through the middle of 82 and 86; C, through 78) being arranged approximately perpendicular to one another.

23. Claim 27: Pugh et al. further discloses that the element (24) is pivotable about an axis (B, through 66).

24. Claim 28: Pugh et al. further discloses that the element (38) is rotatable about an axis (G, through 34, 36 and 38).

25. Claim 29: Pugh et al. further discloses that the element (38) is pivotable about an axis (F, through the center of 36), the axes (G, through 34, 36 and 38; F, through the center of 36) being arranged approximately perpendicular to one another.

26. Claim 30: Pugh et al. further discloses that a guide (82) is provided between the holding element (86) and the rotary element (20), the guide (82) at least partially guiding the end area (44) of the element (22).

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27. Claim 33: Pugh et al. further discloses that the guide (82) at one end is shaped at least partially as a concave recess (the end connected to 76).

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 21, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh et al. (US 4,274,224).

30. Claim 21: Pugh et al. discloses the claimed invention except for the spherical element (36) being able to rotate about an axis (along 34), the holding element (knob extension off of 36) being inserted into a recess (bottom part of 34) of the element (34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use this knee ball joint structure in the doll's elbow, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

31. Claims 31 and 32: Pugh et al. discloses the claimed invention except for a guide between the holding element and the rotary element. It would have been obvious to one having ordinary skill in the art at the time the invention was made to swap and reverse the different joint techniques including the guides between holding elements and rotary elements, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

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32. Claims 18, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh et al. (US 4,274,224) in view of Ferre et al. (EP 0,582,020 A1).

33. Pugh et al. fails to disclose that the holding element and the rotary element are connected permanently to one another to form a single component and are able to rotate about an axis, the holding element being inserted into a recess of the element, the element, in particular the doll's arm part, is rotatable about an axis, and the element, in particular the doll's arm part, is rotatable about an axis.

34. Claim 18: Ferre et al. teaches that the holding element (8a) and the rotary element (8b) are connected permanently to one another to form a single component (8) and are able to rotate about an axis (E, along 5; along 7), the holding element (8a) being inserted into a recess (10) of the element (5, 7).

35. Claim 25: Ferre et al. teaches that the element (5), in particular the doll's arm part, is rotatable about an axis (D, along 4).

36. Claim 26: Ferre et al. teaches that the element (5) is rotatable about an axis (E, along 5).

37. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the doll joint of Pugh et al. with the rotation abilities of Ferre et al., since such a modification would allow the doll joints to more realistically mimic the movement of human joints resulting in a more enjoyable user experience.

38. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh et al. (US 4,274,224) in view of Ryan (US 1,077,560).

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Pugh et al. fails to disclose that only the rotary element is able to rotate about an axis, the holding element being inserted fixedly in the recess of the element. Ryan teaches that only the rotary element (18/20) is able to rotate about an axis (along 1; along 2 in fig. 2), the holding element (23) being inserted fixedly in the recess (fig. 1) of the element (1). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the holding element of Ryan in place of the holding element of Pugh et al., since such a modification would allow for use of a known equivalent joint securing technique.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references include Debes (US 807,664), Cabana (US 1,270,781), Cabana (US 1,359,030), Huck (US 1,601,447), Bucherer (US 1,620,069), Monaghan (US 2,649,806), Crabtree et al. (US 3,988,855), Himstedt (US 6,053,799) and Yamamura (US 6,439,952).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT YOUNG whose telephone number is (571)270-7609. The examiner can normally be reached on Monday thru Thursday 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE KIM can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SCOTT YOUNG/
Examiner, Art Unit 4193

/Gene Kim/
Supervisory Patent Examiner, Art Unit 3711